

GENERAL INFORMATION FOR STATE EMPLOYEES WHO ARE CALLED TO ACTIVE DUTY

Provided by the Division of Human Resources

This is general information intended as guidance only and may be updated periodically as changes occur.

Employment

Once you have received notice to enter active duty, you should notify your supervisor/manager and provide them with a copy of your orders if possible.

Upon returning from military leave, you must notify your agency of your proposed start date. If you are hospitalized due to military action, you will have one year to notify your agency of your return date to work. You will be reinstated to your former or comparable classification without loss of credited state service or status. Salary will be reinstated at the same rate you were receiving upon call up. In addition, your salary may be increased to reflect any pay increases you may be entitled to. For information regarding reemployment, refer to www.esgr.org or www.dol.gov/elaws/userra.htm.

Miscellaneous Considerations

Regarding the Servicemembers Civil Relief Act

If you are called to active duty, you will qualify for certain legal protections under a federal law titled the Servicemembers Civil Relief Act (SCRA). This law, enacted to ease financial and legal burdens on military personnel, is a significant revision of the old Soldiers and Sailors Civil Relief Act. Its protections apply to all persons in active military service, including members of the National Guard and Reserve who are called to active duty for more than 30 consecutive days. Some of its significant benefits are as follows:

Six Percent (6%) Interest Rate: The amount of interest that may be charged on debts of servicemembers, incurred prior to active duty, is limited to 6%. The pre-service loans can include mortgages, car loans and credit cards, but not student loans. Interest in excess of 6% must be forgiven by the lender, and any monthly payments must be reduced by the amount of the forgiven interest. In order to receive the reduction, a servicemember must notify the creditor in writing, and provide a copy of his or her military orders, within 180 days of termination or release from military service.

Residential Lease Termination: Servicemembers moving due to a permanent change of station or deployment for at least 90 days may terminate residential leases by giving 30 days' written notice.

Motor Vehicle Lease Termination: Leases entered into before military service may be cancelled without penalty if the servicemember receives orders to active duty for 180 days or more. Leases entered into while on active duty may be cancelled if the servicemember receives orders for a permanent change of station outside of the United States, or is deployed for 180 days or more.

Automatic Stay of Court Proceedings: Court and administrative hearings will be stayed for at least 90 days upon request of a servicemember. If an additional stay is requested and denied, counsel will be appointed by the court to protect the servicemember's rights.

Eviction Protection: A landlord cannot evict a servicemember or dependents, during the period of military service, from their residence if the monthly rent is \$2,400 or less, without a court order.

Tax Protection: The tax bracket of a nonmilitary spouse who earns income in the state where the servicemember is assigned, but is not their "domicile", cannot be increased by the non-domicile state using the servicemember's income to determine the tax rate.

Installment Contract Protection: Installment contracts to purchase or lease real or personal property, including automobiles, cannot be terminated for breach of contract occurring before or during military service, and the property cannot be repossessed, without a court order.